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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARY JANE JASIN and THOMAS JASIN,

Plaintiffs,

vs.

VIVUS, INC., LELAND F. WILSON,
TIMOTHY MORRIS, and PETER Y. TAM

Defendants.

Case No.: 5:14-CV-03263 BLF

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING BRIEFING
SCHEDULE FOR PLAINTIFFS' RULE
54(B) MOTION**

STIPULATION

WHEREAS:

1. The plaintiffs in this action filed their Second Amended Complaint on August 14, 2015. The parties have stipulated to, and the Court has approved, a schedule pursuant to which defendants' response is due on October 2, 2015, and, if defendants' response takes the form of a motion to dismiss, the opposition to and reply in support of that motion are due November 20, 2015 and December 15, 2015 respectively. Dkt # 34.

2. Defendants' motion to dismiss the Second Amended Complaint is scheduled on the Court's calendar for hearing on January 14, 2016.

3. On September 10, 2015, plaintiffs filed a motion for entry of partial judgment under Rule 54(b). Dkt. # 35. Defendants intend to oppose that motion. Plaintiffs have scheduled their Rule 54(b) motion for hearing on the Court's calendar on January 14, 2016, the same date defendants' motion to dismiss is scheduled to be heard.

4. The parties believe the interests of efficiency will be best served if briefing on the plaintiffs' Rule 54(b) motion proceeds according to the same schedule as briefing on defendants' motion to dismiss, particularly as the two motions are scheduled for hearing on the same date.

THE PARTIES THEREFORE STIPULATE AS FOLLOWS:

1. Defendants' opposition to plaintiffs' Rule 54(b) motion should be filed on or before November 20, 2015.

2. Plaintiffs' reply in support of their Rule 54(b) motion should be filed on or before December 15, 2015.

Dated: September 18, 2015

By: s/ Norman J. Blears

Norman J. Blears
SIDLEY AUSTIN LLP

Counsel for Defendants

1 Dated: September 18, 2015

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~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation above, the Court orders as follows:

1. Defendants' opposition to plaintiffs' Rule 54(b) motion is due November 20, 2015.
2. Plaintiffs' reply in support of their Rule 54(b) motion is due December 15, 2015.

Dated: September 21, 2015



HON. BETH LABSON FREEMAN
United States District Judge